

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Takeshi Konno

U.S. Serial No.: 10/677,075

Filed: 09/30/2003

For: ELECTRONIC KEY SYSTEM FOR
MOTORCYCLE

Attorney Docket No.: TOW-045RCE2

Group Art Unit: 2612

Examiner: Nam V. Nguyen

Mail Stop: Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR § 1.181(a)

Dear Sir:

Pursuant to 37 C.F.R. § 1.181 the undersigned hereby petitions to withdraw the holding of abandonment issued in connection with the above-identified patent application.

Applicant submits that Applicant did not receive an Office Action mailed **November 15, 2007** for the above-identified application. Accordingly, Applicant respectfully petitions the Commissioner to withdraw the holding of abandonment in the application.

Under 37 C.F.R. § 1.181(a), a Petition to Withdraw Holding of Abandonment must be accompanied by: (1) a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Applicant submits that the Office Action mailed November 15, 2007 (Paper No. 20071109) was not received and attest to the fact that a search of the file jacket and docket records indicates that the Office Communication was not received.

The present Petition includes the following facts and documentation: (a) a summary of the procedures and controls used by the Firm when correspondence is received by the Firm from the Patent & Trademark Office; and (b) a summary of how these procedures and

controls were followed in the above-identified application. Also enclosed is a copy of two different dockets (Appendices A and B) of the Firm which span the relevant time period when the Office Action mailed November 15, 2007, if received, would have been docketed by the Firm.

On a daily basis, all mail from the U.S. Patent and Trademark Office delivered to the Firm is directed to a central docket clerk who opens and date stamps each document. The chief Docket Administrator or Docket Administrator Assistant then reviews each correspondence from the Patent and Trademark Office (hereafter referred to as an "Office Action") to determine the appropriate due date for responding to the Office Action. The due date for responding to the Office Action is then noted on the cover sheet of the Action, including not only the initial due date, but also each possible extension date until the end of the statutory period, if applicable.

After the Docket Administrator obtains the file for the patent application in which the Office Action has been received, the Administrator notes the due date(s) for responding to the Office Action on a sheet attached to the front of the file. This sheet contains the docket record for its corresponding file. The file, with the Office Action attached to the front, is then delivered to the appropriate attorney(s) responsible for handling the case and responding to the Office Action.

In addition to the above, the Docket Administrator enters the due date(s) for responding to all Office Actions received from the Patent & Trademark Office in a computerized docketing system which utilizes a licensed computer program called CPi Patent Management System. All due dates (including any available extension dates) for responding to Office Actions received from the Patent and Trademark Office are entered into this computer program on a daily basis. The information entered into the computerized docketing system includes the serial number and internal reference number of the application in which the response is due, the attorney(s) handling the application, and a description of the type of response due.

Once entered into the computer, these docket entries are sorted by due date and attorney responsible for the action. They are then printed out on both a weekly and monthly basis and are distributed to the appropriate attorneys within the Firm. In addition, daily reminders are distributed to the responsible attorneys.

A three-month period for reply was set in the nonreceived Office Action. Accordingly, Applicant submits with this Petition to Withdraw Holding of Abandonment a copy of the docket record including the three months following **November 15, 2007**. A copy of the Firm's computerized docket printout for the dates of **November 15, 2007** through **March 15, 2008** (well after the Office Action would have been received by the Firm and entered into the computerized docketing system on the due date of **February 15, 2008**) is submitted herewith as Appendix A.

Upon review of Appendix A, it can be seen that no entry was made in the Firm's computerized docketing system for the above-identified application (serial number 10/677,075, attorney docket number TOW-045RCE2) on the dates described above. Specifically, these entries would have been sorted under the initials of the first attorney responsible for the application. In the present case, this attorney is Anthony A. Laurentano, having the initials AAL. However, upon review of Appendix A, containing all docket matters for Mr. Laurentano for the relevant dates described above (i.e., **November 15, 2007** through **March 15, 2008**), it can be seen that no docket reminder for responding to an Office Action in the above-identified application appears on any of these pages.

In addition to the above-described computerized docketing system, the Firm also enters all incoming mail into a log file using Microsoft Excel. Once the Firm receives an Office Action, an entry is manually typed into the log. The entry describes the docket number of the file for which the action was received, a code for whether the action is in regards to a patent (PT = 1) or a trademark (TM = 1), the date the action was mailed to the Firm, the date the action was received by the Firm, and a code describing the type or category of action received.

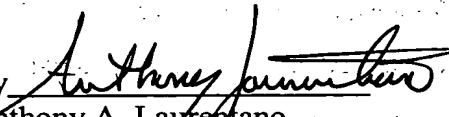
A copy of the Firm's mail log for the dates of **November 15, 2007** (the date the Office Action was mailed) through **November 23, 2007** (a week later, by which time the action should have been received and entered into the Firm's system) is submitted herewith as Appendix B. Please note that the Firm was closed on November 22 and 23, 2007 on account of Thanksgiving.

Upon review of Appendix B, it can be seen that no entry was made in the Firm's mail log for the above-identified application on the dates described above. This indicates that an Office Action mailed **November 15, 2007**, in the above-identified application was never received by the Firm.

Since the Office Action was never received, Applicant respectfully requests that the Commissioner withdraw the holding of abandonment, reissue the non-received Office Action mailed November 15, 2007 and reset the response due date accordingly. Applicant believes that no costs are due with regard to the filing of this petition. If there are any questions concerning the Petition to Withdraw the Holding of Abandonment or the Petition to Revive, the Commissioner or a selected delegate is invited to telephone Applicant's representative at the telephone number listed below.

Dated: July 14, 2008

Respectfully submitted,

By 
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